

THE CIVIL TENURE ACT.

SPEECH

OF

WILLIAM SPRAGUE

IN THE

SENATE OF THE UNITED STATES,

MARCH 24, 1869.

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MR. PRESIDENT: I took occasion the other day to express an opinion, based upon deep reflection, that the composition of this body was of such a character as to make it unfit to check or to interfere in any form with the action of the President in his removals from office. It may be remembered that I did not then point to the individuals of this body, with many of whom my relations are of the most satisfactory character. My statement was that owing to the education, to the experience, and to the methods of thought of five sixths of the members of the body, it was dangerous to the liberties of the American people to clothe it with the power contemplated, or to continue it in the power which for the past year or two it has exercised. For the performance of that duty, on my part, it became the province of the charlatan of the Senate to attack me personally, in my individual character, and in my individual capacity; and, sir, he brought to bear, as a part of his argument, the laughter of the galleries, echoed on the floor by members of the Senate.

I have one word to say to the galleries. They are here; and it is proper for me, in view of that circumstance, to say a word to them. They are the representatives of the American people; they may be fair representatives; they may not be; they are better clothed, perhaps, than a very large portion of the masses of the people, but whether those adornments clothe any more virtue and integrity than do garments of a less gaudy and less luxuriant quality, let each one judge for himself. I am reminded, however, in thinking of the condition of the country, of an incident in history, and I will illustrate that reminder as well as I can. You have been educated to laugh and to make light of the most serious things. You have been indoctrinated into a frivolous, thoughtless, senseless disposition. Defective education has given to you that character; and it is not surprising that you should exhibit it here in this Senate; nor is it surprising that the Senators themselves should echo and respond to

that state of things. I am reminded of the idiotic inhabitant of a burning dwelling, invited and expostulated with, that he might seek a safe and secure refuge, declining to do so. The dwelling fell, and when the rubbish was cleared away, what remained of him was made more horrible by the recollection of his outcries and laughter in the midst of the ruins.

That I may have some attention in the Senate, I desire to point again to a nation prosperous, governed in a proper spirit, under proper constitutional regulations and checks, which has produced success and constant advancement in liberty and security for the citizen. I point to England, to English liberty, and to English civilization; and as I have been here and elsewhere somewhat severely characterized for that illustration, I desire to state that those who to-day have the conduct of the public affairs of Great Britain, are not of the profession chiefly represented here in this body. This is equally true of other nations. Mr. Gladstone comes from parents engaged in commercial pursuits. Mr. Disraeli never received a collegiate or even a common school education; but he and his associates have imbibed the true instincts of statesmen, to take care of the interests of the individual, and of the great interests which control the successful destinies of that great nation. I trust, sir, that hereafter men occupying a commercial station, such as mine, may not be pointed out with the finger of scorn and derision because of that station. Somebody has written of a Yankee boy in the West, who, when called a Yankee, took the liberty, in his indignation, to strike the rascal down. He was asked why he did it. "Are you not a Yankee?" "Yes; but I do not mean to be called a Yankee *so*." That is the intention I now have.

As regards the Republican party, I have not waged war upon it, nor do I mean to seek refuge in the Democratic party. That would be jumping from the frying-pan into the fire. No party can exist in the future in this country, so far as my judgment goes, that will not be represented by the same character and the same influences which control the Congress of the United States at present, unless the people become possessed of the sentiments and system I am endeavoring to impress upon them.

I have not heretofore entered upon the constitutional question involved in this measure; but I have in my hand a paper which embodies my ideas in relation to that point, and so far as I am concerned, it makes very little difference to me whether it is the judgment of a lawyer, a judge, or any body else. The judgment is mine, and I believe that it will stand as the constitutional decision of the question at issue. I will read it:

"One of the three following propositions is true:

"Either the power of removal is one of legislative jurisdiction; that is to

say, deriving its authority from act of Congress, and subject to regulation thereby;

"Or it is a power vested in the President and Senate jointly, only to be exercised by their concurrent act;

"Or it is purely a presidential prerogative.

"1. Is it a subject of legislative jurisdiction? Article one, section one, of the Constitution provides as follows: 'All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.' The Congress, therefore, can exercise no other powers than such as are 'granted' as above. The powers granted are such as are expressly defined in terms in the Constitution, and such derivative powers as may be necessary to carry them into execution; and they constitute the entire body of the legislative powers of the Government of the United States.

"If we look now to the Constitution, it will be seen that the only grants of legislative power made thereby are to be found in ten sections constituting article one; in three paragraphs in section one; in one paragraph in section two, and one paragraph of section three, article two; in one paragraph in section one, two paragraphs in section three, article four; and one paragraph of article five; and if we scrutinize all these provisions, it will be seen that not only is there no express grant of power over the subject of removal, but that no such power is rightfully to be derived by implication from any of them as being necessary to carry into effect the express grants of power contained therein.

"In this view, having thus surveyed the whole field of legislative powers, we find that, so far as the power of removal is concerned, it is not there, either in express terms or by legitimate implication; and not being there, the inevitable conclusion is that it is not of the domain of legislation, capable of being either created or controlled by act of Congress.

"2. Is it a power vested in the President and Senate jointly, only to be exercised by their concurrent act?

"The argument relied upon to sustain this proposition is that the power of removal is an incident of the power of appointment, and that whereas the joint action of the President and the Senate can alone give validity to appointment, the power of removal is subject to the same condition of concurrent action on the part of the President and of the Senate. That this position is untenable will readily be seen. The provision of the Constitution whence arises the only authority which the Senate exercises in this regard is contained in the second section of article two of the Constitution, and is in these words: 'And he [the President] shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers,' etc.

"The President 'shall nominate, and, by and with the advice and consent of the Senate, shall appoint.' This is the precise language, and beyond the authority thus granted the Senate has no other in the appointment of officers. What is this authority? In common parlance it is called the act of confirmation by the Senate; but it is not that as a constitutional fact. It is the power to advise and consent after a nomination shall have been made—nothing more. The power of appointment is an independent power vested only in the President. The President nominates, and the Senate advising and consenting thereto, the President may or may not appoint, as in his executive right and pleasure he sees fit. The function of the Senate in this matter is simply one of assent or dissent, not controlling even the question of appointment, and when it shall have exercised this function, in the manner of assent or dissent, its constitutional power is exhausted. In

the authority thus given to the Senate of 'advice and consent,' not only is there no authority vested in that body, either in express terms or by implication, over the subject of the removal of an officer, but not even over the subject of his appointment. The President may nominate; the Senate may exercise its prerogative of advice and consent, and still the President may not appoint. To assume to derive from the terms of this auxiliary intermediate power, thus vested in the Senate, jurisdiction of the subject of removal of an officer, is to give thereto an implied signification broader in the scope of its authority as to removal than that which they contain in express terms as to appointment, a conclusion utterly at conflict with the true canons of constitutional construction.

"3. Is it or not purely a presidential prerogative?

"Not being found either as a legislative power, or as a power vested in the President and Senate jointly, it must be found in the executive branch of the Government, for it could be lodged nowhere else save in the judicial branch, and no one contends for that. But is it not clear, from other provisions of the Constitution, that it is vested exclusively in the President?

"In the first place, that it is an executive function is not to be denied, in all governments as well as in our own; and by section one of article two of the Constitution it is provided that 'the executive power shall be vested in a President of the United States of America.'

"It is derivable also from the provision of the Constitution, (section three of article two,) which provides that the President 'shall take care that the laws shall be faithfully executed.' That the power of removal is essential to the faithful execution of the laws can not be gainsaid. And by the established rule of construction that the express grants of the Constitution carry with them by implication all such powers as are necessary for their execution, herein is found a source of authority for the exercise of this power by the President as undeniable as the fact that for the past eighty years it has been universally recognized."

Sir, so far as I have been able to judge and to compare, there is less individual responsibility and accountability in the Government of the United States than in any other government on earth. There is no one of the departments that is conducted upon a correct and experienced business judgment. Take any one of them, and no business man would run it as it is now run for one moment. He could not do it. The fact is, if you deny or refuse to give to the President the power of instant removal over the officers of this Government, you check the operations of the Government itself. It can not be carried on; and it will not do for any man to base his judgment on the grant of the Constitution, when in the condition of things that grant can not be carried into effect. There is no mistake about that clause in the Constitution which commands the President to see that the laws be faithfully executed, and it must be apparent to any man with half a judgment that the faithful execution of no law can be compelled unless the agents of the law are bound to obey, by prompt application of the force and power of removal, whenever they feel in any way disposed to evade their responsibility. I am quite sure—nay, I am as certain as that I stand here to-day—that there is not a household, there is not a manu-

factory, there is not a farm, there is not a workshop, there is no business that can be successfully conducted with the restrictions imposed upon its head which you impose upon the President of the United States. So, sir, beside the composition of this body unfitting it to take part in the power of removal, it is my deliberate judgment that for want of a direct determinate vigor on the part of the Executive, untrammelled and unrestricted in his operations upon the officials, no law can be faithfully executed in the present condition of things.

Sir, I have been deeply interested in the success of the Republican party. In means I have contributed more than any member of this body, and in character quite as much, to the furtherance of that success. In point of means, I think my contributions in that direction would offset the contributions of all the other members of the Senate. My purpose was to relieve the country from its embarrassments. It was in a condition of war—civil, social, political, and material. There was war North, war South, revolution everywhere; and there was nothing else to do when the building was on fire but to effect all that could be effected to quench the flames.

I informed the Senate the other day of the absence of all warning touching the imminence of the late civil war; and for this I was called in question. Sir, I repeat the suggestion, so far as the people of the North were concerned. If I am any judge of their position, they were not prepared for the war; for in what condition were they? I brought here the best troops, or among the best, in the field; but what was the condition of the people? I sent from Providence a battery of artillery one day after the firing on Fort Sumter. How was it done? It was an organization I had maintained for ten years before almost at my individual expense and by my influence; and the twelve hundred men that followed in a week after came from the workshops and from the plow, came by my individual exertions, though the officers never had served with those men hardly anywhere. It was a rush to save the country, by men unfitted in any respect to discharge the duties of soldiers. How did I find the situation *here* among those who had been on the watch-tower? With my youth, my inexperience, my want of ability, I found that not only those who were occupying seats here, but in almost every other office, were looking to "the boys" to direct the affairs connected with the defense of the country. I did, for one, all that it lay in my power to do, and I was among the very few to "scent the battle from afar off;" and having performed that function and duty then, I have come up here, to-day, to tell you that there is a danger impending greater than that. It is in the discharge of

that high duty that I have come here, and have endeavored to impress it upon each individual member of the Senate and on the people of the country. It is in that view and with that end that I speak to you now. Let me give you a chapter from English history. I read from the new *American Cyclopaedia*:

"Jeffreys, George, lord, an English judge, born in Acton, Denbigshire, Wales, in 1648, died in the Tower of London, April 19, 1689. His family was good, though not rich. He was educated at Shrewsbury, at St. Paul's school, London, and at Westminster school, under Dr. Busby, and he early gave indications of high talents. His father was unable to send him to the university, and he became a member of the Inner Temple, May 19, 1663. Of his boyhood and youth but little is known, and that is not to his credit. He was called to the bar November 22, 1668, having eighteen months before married Mary Nesham, daughter of a clergyman, under circumstances of a romantic character. On the death of this lady, in 1678, he married Annie, widow of Sir John Jones, who had been lord mayor of London. His rise at the bar was rapid, but his practice was in the Old Bailey and other London courts, always beneath the other tribunals in conduct, and in that age scarcely better than dens of torture and murder. In such a school the natural ferocity of his temperament was rapidly developed, and he soon exhibited that brutality which has won him infamy throughout the world.

"So quickly did he rise that in March, 1671, he became common sergeant of the city of London. At that time he belonged to the 'country party,' and laid the foundations of his fortune by affecting to be a patriot and a Puritan; but he intrigued secretly for court favor, and was made solicitor to the Duke of York, September 14, 1677, and knighted. This startled his associates; but he insisted that the office was strictly professional in its character, and in 1678 men of both parties united to elect him recorder of London. He then went boldly over to the court party, and for the rest of his life so acted as to deserve the title of the worst tool ever used for the destruction of freedom by the house of Stuart. In the days of the Popish plot he was one of the most active against the accused parties, acting both as judge and as counsel in different courts; and it was by his advice that the Government placed itself at the head of the patrons of the plot, whereby its inventors were prevented from turning it to the profit they had expected. He was appointed chief-justice of Chester, and made king's sergeant in April, 1680, and created a baronet. He offended the House of Commons, and was reprimanded on his knees. The office of recorder he gave up December 2, 1680.

"When the Oxford Parliament was dissolved in 1681, and Charles II. resolved to destroy the Whigs, Jeffreys became the most efficient agent of Government. He labored against the city of London, which had been his first patron, and helped to extinguish its liberties. He was of counsel for the Crown on the trial of Lord Russell, and bore himself so villainously that he was made chief-justice of England, in order that he might effect the destruction of Algernon Sidney. He was deeply concerned in several other murders of the same kind, and in the assaults on the municipal corporations. He presided at the trial of Oates and at that of Baxter. On May 15, 1685, James II. made him a peer, by the title of Baron Jeffreys of Wem. He was the second chief-justice ennobled in England, Hubert de Burgh being the first. In the summer of that year he was placed at the head of a special commission to try persons accused of having taken part in Monmouth's rebellion in the counties composing the western circuit. Of the prisoners brought before him three hundred and twenty were hanged and eight hundred and forty-one ordered to be transported and sold into the slavery of the

tropics. Others were most barbarously punished with scourgings, imprisonment, etc. Jeffreys boasted that he had hanged more traitors than all his predecessors since the Conquest. His cruelty was all the more offensive because he traded in pardons, and in that way rich offenders escaped. That his aim was to please James II. admits of no doubt, though in after days the king declared that Jeffreys exceeded his instructions, while the judge asserted that he gave offense by being too merciful.

"The king called his judge's doings the chief-justice's campaign in the west. He rewarded Jeffreys by making him lord high chancellor of England, September 28, 1685, which office he held until the downfall of the Stuarts, three years later. In the House of Peers he made a bad figure. Attempting to bully the peers, he was firmly met, and so humiliated that he wept. The court of high commission having been revived, Jeffreys was appointed its president, and took part in its worst acts. It was by his advice that the seven bishops were imprisoned and tried. In 1688 the University of Oxford refused to elect him their chancellor. There was not one of the deeds of folly and crime that caused the overthrow of James II. to which Jeffreys was not a party; and when the king was frightened into a change of policy Jeffreys became his agent for good purposes. He carried back its charter to the city of London, and was hooted by the people. When the king fled from London he took the great seal from Jeffreys and threw it into the Thames. The ex-chancellor disguised himself, and made arrangements to sail for Hamburg. He might have escaped had he not returned to land for the indulgence of drunkenness, which led to his being recognized and seized. The mob wished to tear him in pieces, but the authorities succeeded in placing him in the Tower, December 12, 1688. There he remained for upwards of four months, when he died of the stone, having much aggravated his disease by his indulgence in drinking.

"Even to the last he could not be made to understand that his conduct on the western circuit was bad, and, tried by the standard of his time, it was not so heinous as it appears to us. He was the worst man of a hard and ferocious age, and differed only in degree, not in kind, from many of his contemporaries. Suffering constantly from disease peculiarly trying to the mind, and an habitual drunkard, his actions were the consequence of infirmities and failings; and the chief fault was to be found in the kings who placed him in positions where it was impossible for him to act otherwise than as a beast of prey. It is asserted that James II. was so well pleased with him that if the revolution had not occurred he was to have received promotion in the peerage by the title of Earl of Flint. Lord Campbell says that, 'as a civil judge he was by no means without high qualifications; and in the absence of any motive to do wrong he was willing to do right;' and that 'when quite sober he was particularly good as a *nisi prius* judge.' Lord Macaulay, who has dealt with his memory with almost as much severity as Jeffreys dealt with the western Whigs, says: 'His enemies could not deny that he possessed some of the qualities of a great judge. His legal knowledge, indeed, was merely such as he had picked up in practice of no very high kind. But he had one of those happily constituted intellects which, across labyrinths of sophistry and through masses of immaterial facts, go straight to the true point.' His biographer, Mr. Woolrych, who has done all that can be done to place him well before men, says: 'His bright, sterling talents must be acknowledged; that intuitive perception which led him to penetrate in a moment the thin veil of hypocrisy and show things as they were, must have its meed. Like Thurlow, he had the especial gift of fastening on the true genius of the cause, eliciting its nice point, and forming a prompt decision on the right bases of equality and justice.' In spite of these eulogies few persons will dissent from the declaration of Mr. Justice

Foster, that he was 'the very worst judge that ever disgraced Westminster Hall.' "

Sir, I have read that history with a meaning. The condition of this country to-day, in my judgment, is not dissimilar to the condition of that time and country in which this bad man wielded and exercised the power he did. There was a revolution, and this man was sent to inflict the revenge and hate of the then despotic power which held sway and dominion in Great Britain. We, sir, have just become, as it were, separated from a great rebellion. And what position do we occupy to day? Is there peace at the South? Is there a spirit of harmonious good-will here in this Senate toward the Southern people? Is there good government among those people? Do their occupations prosper? Are they not in a state of chronic revolution? And have you not had four long years in which to assure peace among that people? Is there justice in the land? Who that is a poor man dare take one that is rich before any court in it with certainty of impartial justice? Is there individual protection? Mr. President, if a railroad president or director, or manufacturer, or a rich man is brought to the bar of any court by a man not as well off as he—by a poor man, in short—all the nice points of the law, and the arrangements and the knowledge of judicial precedents, are brought to bear to defeat the poor and the weak. If in despotic France you interfere so as to injure the meanest of its citizens, the whole power of the Government comes in for his protection.

It is my intention, if I know how, to give the exact condition in which this country is, hoping and trusting that by thus speaking what I know there will be a remedy for the difficulty.

I have mentioned heretofore that there was nothing grander in the history of this age than the conduct of the British Government when she dispatched her armies to distant Abyssinia to vindicate the personal liberties of a few simple English citizens. Who is there in this assembly that would ask for like action on the part of the Government of the United States? I have called to the individual attention of Senators, and I have called to the attention of the collective body, the fact of the loss of nearly all—I may say to-day all—of your industrial interests; but the apathy which seems to have crept into every nerve and vein of this body and of the country will not allow them to believe it until the mischief is full upon us. Your immigration fell off thirty thousand last year from the year before. Why is that so? Is it not a clear case that it must be so? Where can these people obtain employment by coming here? If they take possession of the farms at the West, can they

produce sufficient to supply themselves, at the cost of every thing now, with the ordinary necessities of life? Sir, they can not. They can not come here, and is it not a shame and a disgrace to all your legislation that it should be so? Three hundred thousand Germans and Irish come to this country with money in their pockets; and let me ask you of the Eastern States, Do you send men and women and children to the West with money in their pockets? It ought to be known that the land on which at home those immigrants cultivate their crops, and maintain their families, and obtain the means to come here and buy your property, is a patch of ground comparatively no bigger than this Senate chamber.

You have lost your commerce. You ask the reason for it; and there is not a man in this chamber who gives a satisfactory reason for the loss except and because we are not paying specie for our bills. The reason is plain and simple that the construction of your Treasury is such that you, in common with the capitalists of this country, are speculating upon every industry and upon every laboring occupation. That is the reason, and there is no other. I told you the other day that the condition in which the crops of the South were placed, consequent on high prices, was the most dangerous and disastrous position in which it was possible to place them, for the apparent high prices here give a stimulus to the production of cotton in Egypt, in India, and in Brazil. It is my deliberate judgment, and nobody can gainsay it, that in five years you will be clamoring here for a tariff to keep out foreign cotton. How are you going to pay your debts with that state of things? Send more bonds to Europe, send more of your capital away from the industries of the people!

I have mentioned and read the history of England prior to the revolution of 1688. Her people were distressed and persecuted beyond measure; the rule under James II. proceeded to an extent hardly known in the history of such persecution, and in 1688 the distressed people called a new administration to the head of affairs and remedied the difficulty; for will a people submit long to a condition of things wherein they have no employment for their labor? They will submit if they are in a condition of slavery; not otherwise. If our people now look around them, look beyond the waters, and find that there are Governments that give protection and employment to their citizens, they will, if they be not slaves, ask why, with our free institutions, with this magnificent inheritance, with this great land, and with a climate beyond that of any other country in the world in its ability to produce every thing which man requires—why is this so? I have pointed to the material condition of

this country; I have told you that the farmers in the West can not produce any thing by which they can be profitably employed or the wealth of the nation enhanced. I have been met by the argument that, if you get as much compensation from a small crop as you get from a large crop the wealth of the nation is as great. I have not thought it worth while to answer that argument; but it has been maintained here in this body and it is believed. Is it worth while, when the answer seems so plain, that I should burden the attention of the Senate with a refutation of that idea?

We were told that the tax on cotton was of great advantage to the Eastern manufacturers; that it would give us the monopoly of the manufacturing of the world; that we should burden the cotton planter with a tax of three cents a pound, compelling him to go into the market at twenty-five per cent per annum to obtain that three cents, enhancing the cost of his production to that extent, and then, by giving to the American manufacturer a drawback of three cents per pound, he could supply the markets of the world. There are Senators here who believed that statement. I tell them that in the matter of interest upon money, the difference in the cost of capital in this country and in England would alone overcome that supposed advantage to the manufacturer. I say to them that the difference in the cost of labor would alone overcome that supposed advantage; the difference in the cost of supply and transportation would alone overcome it. That is the advice that has been received here and acted upon in the management of your taxes.

But that which is more terrible than any other is the advice that has been acted upon in reference to the greater subject, and that which underlies all others, that which either makes a freeman of the citizen or a slave, and that is the finances of this Government. The Senator from Ohio himself mistrusts his own judgment in reference to the policy he has been pursuing. The power that has controlled the action of this Senate is the banker's advice and judgment, and nobody else's. The power that regulated and controlled the men I have referred to in the history of England believed that they were right; they certainly felt sincere; they certainly felt that they were pursuing earnestly and energetically the best wants of the nation; they felt that it was essential to the liberties and to the happiness of the English people that the Protestants should be oppressed and the Catholics assume and control the destinies of that country. They were honest, perhaps, in the desire to hold power through the Catholic influence in the English nation, and to control her destinies.

I do not arraign before this bar or elsewhere the banking ad-

vice which has been received here. The bankers have undoubtedly given the best advice that they knew how to give; but it is the experience of every business man that a banker, a man dealing in money, knows no more about the relation which money assumes toward any other occupation than he does about a matter which is a million of miles from him, and which he never heard of. The men who have assumed to dictate and to determine the financial policy of this country know no more about the requirements, the necessities, and the character of the employments of the people of this country than if they never lived; and yet, sir, these men whom I have tried in my own business, and who have tied that business in such a manner as to embarrass and almost to destroy it; these men, who, whenever they depart from their occupation of counting money, have always failed both in the advice they have given and in the manipulation of any other business, are to-day dictating to this body the financial policy which should control us. If such is the condition of the legislation of the country, how can you make it right by taking on yourselves the executive function?

It was my intention to say a word as to the relations that subsist between me and one or two of the members of this body, and to gather from that whether under the existing condition of things this was a sufficiently wise body to make important selections for the officers who were to be the agents in the execution of the laws; but I will reserve that for a future occasion.

I have spoken as to the material interests of the country; I have spoken as to the political influences that control them, but I have not spoken of the present condition of American society. Can legislators find any thing to console and comfort them in their examination of the state of domestic society and social condition among the people of the United States? I know something of the character of the people whom you have been taught to despise under other governments, and if I am an impartial judge that examination has given to me the belief that American society to-day has perhaps less virtue, less morality, in it, than that of any civilized government in the world. Is that not the fault of your legislation? The difference between those who possess accidental fortunes and those who live by their daily labor is the cause of the demoralization. It is the striving of those who are rich to be richer, and the striving of the poor to imitate the rich; and in that contest virtue is lost. Where is there a father who leaves his house with any security? Where is there a mother who sends her son into the world, subject to the temptations that are about him, without alarm? Where is there a husband who closes his doors with satisfaction? Where is the father, who has an anxious care over his daughter, will-

ing to have her leave his eye and his protection to begin the struggle against the temptations around her? There is to this an echo in the heart of every man who hears me. Is that a comfortable state of things on which Senators rely in safety and in security? You stand in the track of an avalanche, you are on the brink of a precipice, and know it not. There is a paralysis throughout this body and throughout the country. I have pointed to Mexican society, I have pointed to Spanish society, I have pointed to Italian society; and if I have read any thing, I find that when they, powerful, civilized, refined, began their course of demoralization and loss of honor and virtue and prosperity, they occupied a similar position to that in which this country is placed to-day.

I favored the election of General Grant in opposition to the aspirations of one connected with me by family ties. I did that because I felt that Grant had not learned the practices of those who had had charge of the Government, that he would have capacity to see through the intricacies of the things about him, and would judge more correctly of the exact condition in which things were, unbiased, unprejudiced, uninfluenced. I heard his inaugural with anxiety. I listened to every word he uttered. I watched his countenance. I responded to the words wherein he professed himself the champion of freedom and liberty; that he should be independent and fearless in the discharge of his duties; but I went away with a sorrowing heart when I heard that clause in his inaugural in which he said he would protect the Government debt. I saw that the canker which possessed the body-politic of the American people and influenced all our legislation had got to him. I went away disheartened, sorrowing, alarmed. But, sir, I will not give up the ship even with that impression. I hope he will discover the error into which he has been led by bad advisers, and will retract, retrace, turn away as he would from a charnel-house.

Sir, when I look beyond this chamber, when I examine into the condition of things at your departments, when I call upon the President of the United States, tired and wearied in the discharge of duties thrust upon him by members of this body and the other House in reference to immaterial matters, what hope is there that any public and momentous question will receive or can receive any thorough consideration from him? When I go to the Treasury Department, and see the hosts of men pressing forward from this body and the other House, and from the whole country, and see the effect it has upon the energies of its head, can the American people expect the consideration of any question other than these immaterial and senseless questions? Can they expect that the great questions necessary to the pros-

perity and happiness of the people will receive any possible consideration? There is no hope in that direction.

Mr. President, I am no orator, like Patrick Henry, who the other day was cited as representing the profession I felt it my duty to criticise; I am unacquainted with the mysteries of the law and of its practice. Patrick Henry came into the arena of politics not as a lawyer, but as a statesman and eloquent advocate and defender of the liberties of the people; and he maintained himself there until he died. Are there those here and elsewhere who have obtained high positions in representing the liberties of the people, their freedom, their well-being? May they not profit by his example? And may they not criticise the attitude in which they to-day stand toward the American people? It may be that they occupy it unadvisedly; it may be that they take it without knowledge of what that exact position is; but they, too, occupy a position in defense of power, and contrary and in antagonism to the interests of the great mass of the American people.

I have in my hand a remedy for these difficulties; but it is not likely to be so in the judgment of this body. It is not a manufacturer, or a man of commerce, or a man whose experience has been as mine has, who can make any impression upon a body composed as this one is.

One word, sir, in reference to the "manufacturer." He was at school and at work in his thirteenth year under the guidance of a dear and excellent mother, and to her he attributes all that there is good in his nature. His father died by the assassin's blow. For ten long years that dagger rested in his heart. In his daily avocations and in his nightly dreams he felt the blow that deprived him of his father. Sir, the blows that he sometimes felt here were not wholly dissimilar. The blow struck by the Senator from Nevada [Mr. NYE] the other day dropped deep into my heart, and reminded me of the incident I have related. At the death of his father the estate, if settled up, would not have left a dollar to his father's family. That is the "rich manufacturer" who talks to you to-day. Thrust then into the counting-room, performing its lowest drudgeries, raising himself to all of its highest positions, at twenty-six he was left with the interest under his sole charge. In 1860 or 1861 he had succeeded in giving to this country the largest, the best-arranged, the most successful and prosperous establishment of the kind in the world. He took ground politically, almost by instinct, in opposition to the course of public sentiment. He did not know that for forty years that public sentiment had been wrought up to the pitch of frenzy, blinded both to its own interests and to the danger that surrounded it. He did not know of the condi-

tion of that other people who were similarly situated. When the war came, in defense of the whole country he made that appearance before the American public which fastened all eyes upon the movement. The people felt the exigencies and dangers for the first time when that movement attracted public attention. I will make a single illustration as to the feeling of the public mind touching those who then had charge of public affairs. It may not be known to the distinguished Senator from Massachusetts, [Mr. SUMNER,] but it is known to his friends, that they felt called upon to obtain indorsement and approval, and the recommendation of his reelection to this body, in consequence of his danger of being left at home. That shows the state of the public mind at that period. Since then they have had other teachings, been governed by other advice, and have formed different conclusions.

Mr. President, I know well how to cure the disease I have described. I have a sure remedy; one that will interfere with nobody, one that will extricate this people from the slavery that is impending over them, and give them liberty and prosperity. Instead of the discussions pending this bill, instead of this grasping for the power or for the continuance of power that animates this body, it is my judgment that they will do well to give attention to that which is higher and more important to the welfare of this people than any measure that can be before them.

I have said about all that I desire to say. What I have said has been in the performance of a duty. I know that the position I take is that occupied by the American people, and they will defend it without regard to him who has selected it. I know I have spoken truths here that can not be gainsaid. I believe that the present condition and composition of the two Houses of Congress will ultimately produce revolution. I believe that the social, the material, and the political condition of the country thus confused, thus disturbed, can not but react upon the body from whom they feel they should receive the contrary of that position.

I thank the Senate for the attention which they have given to me in these remarks. I trust it will not be in their province to think for one moment that I have aimed at the body for any other purpose than upon high considerations of public duty. I trust that they will believe that I have looked into this question with anxiety, with thought, with deep reflection; that I have grown almost sick in the contemplation of the dangers which surround us. Having performed that duty, I leave the rest to those in whom I hope I have awakened some thought in connection with the present condition of the country.